

Filed by:

Trial Section Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 703-308-9797
Fax: 703-305-0942

27
Paper

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHARLES E. HART,
RICHARD D. KENAGY, and ALEXANDER CLOWES

Junior Party,
(Patent 5,620,687)

v.

VANITHA RAMAKRISHNAN,
MARIA AMELIA ESCOBEDO, and LARRY J. FRETTO

Senior Party,
(Application 09/003,810).

Patent Interference No. 104,839

Before: LANE, MEDLEY, and TIERNEY, Administrative Patent Judges.

LANE, Administrative Patent Judge.

FAXED

JUN 8 - 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

JUDGMENT-RULE 662

A conference call was held on 3 June 2004. Doreen Trujillo represented junior party Hart and Elizabeth Weimar represented senior party Ramakrishnan. Hart stated that it would not file a brief on the issue of priority and that it did not wish to request reconsideration of the decision

denying its preliminary motion 4. (Paper 44). As provided by the interference rules, judgment may be entered against a junior party that fails to timely file a brief on priority. 37 CFR § 1.656(i). At any rate, we treat Hart's statements during the conference call as a request for adverse judgment under 37 CFR § 1.662(a).

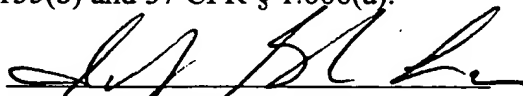
Upon consideration of the record of the interference and for reasons given, it is

ORDERED that judgment on priority is awarded against junior party CHARLES E. HART, RICHARD D. KENAGY, and ALEXANDER CLOWES;


FURTHER ORDERED that junior party CHARLES E. HART, RICHARD D. KENAGY, and ALEXANDER CLOWES is not entitled to a patent containing claims 1-19 of its patent 5,620,687, which claims correspond to count 1, the sole count of the interference;

FURTHER ORDERED that a copy of this judgment be entered into the administrative records of Hart's 5,620,687 patent and Ramakrishnan's 09/003,810 application; and

FURTHER ORDERED that if there is a settlement agreement, the parties are directed to 35 USC § 135(b) and 37 CFR § 1.666(a).


SALLY GARDNER LANE
Administrative Patent Judge


SALLY C. MEDLEY
Administrative Patent Judge


MICHAEL P. TIERNEY
Administrative Patent Judge

)
)
)
)
)
) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
)
)
)
)

cc (via facsimile and first class mail):

Attorney for Hart (real party in interest:
The University of Washington and Zymogenetics, Inc):

Doreen Yatko Trujillo, Esq.
COZEN O'CONNOR, P.C.
1900 Market Street, 6th Floor
Philadelphia, PA 19103-3508

Tel: 215-665-5593
Fax: 215-701-2005
E-mail: Trujillo@Woodcock.com

Attorney for Ramakrishnan (real party in interest: Millennim
Pharmaceuticals, Inc.):

Elizabeth C. Weimar, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004

Tel: 202-739-3000
Fax: 202-739-3001
E-mail: None

INTERFERENCE DIGEST

Interference No. 104,839

Paper No. 26

Name: Vanitha Ramakrishnan et al.

Serial No.: 09/003,810

Patent No.

Title: METHODS OF TREATING PDGF-MEDIATED DISEASES WITH BETA-PDGF
RECEPTOR IMMUNOGLOBULIN POLYPEPTIDES

Filed: 01/07/98

Interference with Hart et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, FAVORABLE Dated, 6/8/04

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.